

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 64
95TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, May 10, 2010, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4082S.07C

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting four new sections relating to elections.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2010, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article VIII of the Constitution of the state of Missouri:

Section A. Article VIII, Constitution of Missouri, is amended by adding
2 four new sections, to be known as sections 8, 9, 10, and 11, to read as follows:

**Section 8. Qualified electors of the state may be enabled by
2 general law to vote in person in advance of election day at all elections
3 by the people according to the following terms:**

4 **1. Advance voting may be permitted from the second Wednesday
5 before the election until the first Wednesday before the election
6 excluding Sundays.**

7 **2. Advance voting may be conducted at such locations as are
8 determined by general law to be necessary or desirable to balance
9 reasonable access to advance voting, accountability, integrity, and
10 security of the election, efficiency in the administration of the election,
11 and appropriate and responsible uses of public funds and other
12 resources. The number of advance voting sites may vary depending on
13 expected voter turnout for an election. A general law that requires
14 election authorities to establish a certain number of advance voting
15 sites based solely on the number of registered voters in an election**

16 jurisdiction conflicts with this subsection and is not valid.

17 3. Votes cast in advance of election day shall not be tabulated
18 before the election day.

19 4. If a voter identification requirement is provided by general
20 law for in-person voting on election day, persons who desire to vote in
21 advance of election day shall also comply with that identification
22 requirement.

23 5. The name and other identifying information of persons who
24 vote in advance of the election shall be treated confidentially by
25 election officials and lists of persons who have voted in advance shall
26 not be disclosed to members of the public by election officials during
27 the advance voting period, except as necessary for the administration
28 of the election, for law enforcement, or to comply with a court order
29 requiring disclosure for good cause shown. Election officials may
30 disclose lists with the names or other identifying information for
31 persons who have voted in advance of the election to the public after
32 the advance voting period has closed. This section does not prohibit
33 election officials, election judges, challengers, watchers, or any other
34 member of the public from observing or participating in the election
35 process. This section does not alter or effect any change in the
36 provisions of section 3 of this article relating to nondisclosure of how
37 any voter voted and the exceptions thereto.

38 6. This section shall not apply to absentee voting laws authorized
39 by section 7 of this article.

40 7. Any law that conflicts with this section shall not be valid or
41 enforceable.

42 8. This section is not self-executing. Implementing general laws
43 shall be required before any person may vote in advance of an election.
44 In order to allow election authorities sufficient time to prepare for
45 advance voting if authorized by general law, advance voting shall not
46 be effective for any election held on or before January 1, 2012.

 Section 9. A person seeking to vote in person in public elections
2 may be required by general law to identify himself or herself and verify
3 his or her qualifications as a citizen of the United States of America
4 and a resident of the state of Missouri by providing election officials
5 with a form of identification, which may include valid government-
6 issued photo identification. Exceptions to the identification

7 requirement may also be provided for by general law.

Section 10. Different requirements for absentee voting when the
2 voter does not appear before the election authority may be established
3 by general law as may be necessary or desirable in order to
4 accommodate the different purposes and administration requirements
5 of this method of voting.

Section 11. If any portion, clause, or phrase of sections 8, 9, and
2 10 of this article is, for any reason, held to be invalid or
3 unconstitutional by a court of competent jurisdiction, the remaining
4 portions, clauses, and phrases shall be invalid and of no further force
5 or effect.

Section B. The official ballot title for section A of this act shall read as
2 follows:

3 "Shall the Missouri Constitution be amended to allow the General
4 Assembly to provide by general law for advance voting prior to election day, voter
5 photo identification requirements, and voter requirements based on whether one
6 appears to vote in person by absentee ballot?".

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